

present claim 18 is drawn to a "method for operating a function in a vehicle" while patented claim 21 is drawn to a "method for use in a system in a vehicle for accessing information about a given aspect of said vehicle." In addition, these claims also differ from each other in that present claim 18 calls for activating a selected option "to operate the function of the vehicle" while patented claim 21 calls for activating a selected option "to access said information" about the given aspect of the vehicle. Thus, for example, a would-be infringer, who infringes present claim 18 by activating a selected option to operate climate control of the vehicle to change its temperature setting, would not infringe patented claim 21 because of the quoted limitations. Indeed, the Examiner "found that the claims in [the] present application could be literally infringed without literally infringing [the] corresponding claims in the patent." Thus, as a matter of law, present claims 18-23 and 36-43 do not define identically same invention as the corresponding patented claims. As such, the Examiner's "same invention" double patenting rejection should be withdrawn.

The Examiner also rejected claims 13-17, 24-35 and 44-50 under 35 U.S.C. 102(e) as being allegedly anticipated by Beyerlein. In response, applicants have amended base claims 13 and 31. Claims 16, 17, 34 and 35 have also been amended to properly reference the amended base claims. Claims 14, 15, 32 and 33 have been cancelled.

The invention is directed to a technique for effectively adjusting a climate control in a vehicle. In accordance with the invention, a temperature range is automatically maintained in response to the date, time and GPS information. For example, based on the date information, a processor in the vehicle determines what the current season (e.g., mid-winter versus mid-summer) is.

Based on the time information, the processor determines what the time of day (e.g., night versus noon) is. Based on the GPS information, the processor determines the geographic region (e.g., New England versus Southern California) where the vehicle is. The processor then looks up a table containing predetermined temperature ranges corresponding to different combinations of the temporal and geographic parameters. Accordingly, a temperature range is selected for the vehicle from the table. See page 33, line 32 et seq. of the specification.

In accordance with an aspect of the invention, the user may also pre-condition the vehicle. For example, the user may program the climate control beforehand to set desired climate conditions for the vehicle for the next ride while the user is inside the vehicle or by remote communications, e.g., by telephone. The processor in the vehicle then determines whether the current level of power from a battery and any back-up power sources in the vehicle is sufficient to effect such pre-conditioning. If it is insufficient, the user is notified of the failure to meet the pre-conditioning request. Otherwise, the climate control is operated to effect the pre-conditioning. See page 34, line 23 et seq.; and page 39, line 28 et seq. of the specification.

Beyerlein discloses a system for climate control in a vehicle taking into account an instantaneous sun load. According to the disclosed system, the sun elevation and azimuth relative to north are calculated based on the longitude and latitude of the vehicle, and the current time and date. A sun intensity factor (SIF) is then determined for each zone in the vehicle compartment via table look-up based on the calculated sun elevation and relative azimuth. However, nowhere does Beyerlein teach or suggest the claimed invention where "predetermined temperature ranges" are

provided which correspond to "different temporal and geographic parameters," as amended claims 13 and 31 now recite. A fortiori, nowhere does Beyerlein teach or suggest selecting a "predetermined temperature range" as a function of the current time and geographic region where the vehicle is, as amended claims 13 and 31 further recite. As such, the claimed invention is not anticipated by Beyerlein. In fact, Beyerlein teaches away from the invention by determining the vehicle temperature which is adjusted for the sun load (i.e., the set point  $SP_{ADJ}$ ) based on not only the SIF described above, but also the intensity of the sun measured by solar sensors in the vehicle, and the temperature set by the user (i.e., the manual set point). See col. 5 line 25 et seq. of Beyerlein. Since the sun intensity and the manual set point cannot be determined *a priori*, the Beyerlein system must necessarily fail to provide predetermined temperature ranges corresponding to different temporal and geographic parameters from which the vehicle temperature range is selected as in the claimed invention.

In addition, nowhere does Beyerlein teach or suggest the inventive pre-conditioning of a vehicle which calls for "receiving information concerning a future time, and a desired climate condition in the vehicle at the future time" and "determining whether the desired climate condition is achievable at the future time," as claims 24 and 44 recite. As such, the claimed invention is not anticipated by Beyerlein. Nor is it obvious from reading same. Thus, claims 24 and 44, together with their dependent claims, are patentable over Beyerlein.

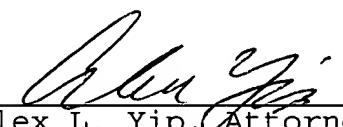
In view of the foregoing, each of claims 13, 16-31 and 34-50, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly

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solicited.

Respectfully,

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Enclosure